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Attorney for Plaintiff.

UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF IOWA

EASTERN (EC) DIVISION

JUL 1 2 1985
BARBARA A EVERLY, CLERK

U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA

IN RE:

CASE NO. 84-02160

RONALD ULRICHS :

JENICE ULRICHS aka JENICE SUE ULRICHS,

Debtors,

NASHUA EQUITY CO-OPERATIVE, : ADV. PRO. NO. 84-0396W

Plaintiff,

vs.

RONALD UERICHS AND JENICE ULRICHS,

Defendants.

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JUDGMENT

On October 26th, 1984 Plaintiff filed its complaint alleging the required jurisdictional requisites and showing its status as a creditor of the Defendants holding a claim provable in Bank-ruptcy proceedings No. 84-02160. On August 13th, 1984 Defendants, after filing their voluntary petition in Bankruptcy, were awarded an order for relief thereon under 11 U.S.C. Chapter 7. Plaintiff alleged that the Defendant, Ronald Ulrichs, was found guilty of the crime of theft in the first degree, a Class A felony in the District Court of Iowa, in and for Chickasaw County. The judgment of guilty

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is a part of the record in the office of the Clerk of said Court in Criminal Cause No. 25-3-83, and a copy of which appears as an attachment to plaintiff's complaint. The funds which said Defendant, Ronald Ulrichs, was charged with having control over are described at Items 4 and 5 of the Bankruptcy Schedule A-3 in the amounts of \$10,848.73 and \$38,000.00. A plan of restitution was approved in the criminal prosecution and said Defendant made payments thereon in the sum of \$1500.00. The complaint requests judgment of \$47,348.73 with interest and costs and that the Bankruptcy estates of the Defendants be consolidated and an order entered denying them a discharge or if discharges are granted to them, the Court determine the unpaid balance of the debt as being non-dischargeable in Bankruptcy because procured by actual fraud. The Court was thereafter apprised of a written memorandum of settlement signed by Kevin J. Kennedy and John R. Cronin, counsel for the parties dated January 26th, 1985, and which is part of the record. On January 29th, 1985, the parties signed a reaffirmation agreement reaffirming and acknowledging a debt owed Nashua Equity Co-operative, the Plaintiff, by Defendants in the amount of \$20,000.00. agreement is supported by the affidavit of Kevin J. Kennedy, the Attorney for Defendants, which purports to establish that said agreement was voluntary by debtors after they were fully informed and that no undue hardship on them or on their dependents results therefrom. Simultaneous thereto said debtors furnished their signed reaffirmation statement.

On April 12th, 1985, the Court approved said reaffirmation statement.

Plaintiff having moved for judgment thereon, the Court

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now awards judgment to Plaintiff against said Defendants in the sum of \$20,000.00 as of January 28th, 1985.

IT IS SO ORDERED

ORDERED Hay 12 1985 1985.

Bankruptcy Judge

JUDGE SITTING BY DESIGNATION

APPROVED AS TO FORM:

Copy of Judgment, with copy of Motion for Judgment, mailed to:

KEVIN J. KENNEDY

John R. Cronin, Attorney for Plaintiff, P. O. Box 53, Nashua, TA 50658;

Kevin J. Kennedy, Attorney for Defendants/Debtors, 12 East Main St., New Hampton, TA 50659; this July 12, 1985

Collise Main St., Deputy Clerk, Bankruptcy Court P O Box 4371, Cedar Rapids, TA 52407